

CLEMENT SETH ROBERTS (STATE BAR NO. 209203)
croberts@orrick.com
ALYSSA CARIDIS (STATE BAR NO. 260103)
acaridis@orrick.com
EVAN D. BREWER (STATE BAR NO. 304411)
ebrewer@orrick.com
Orrick, Herrington & Sutcliffe LLP
The Orrick Building
405 Howard Street
San Francisco, CA 94105-2669
Telephone: +1 415 773 5700
Facsimile: +1 415 773 5759

SEAN M. SULLIVAN (*pro hac vice*)
sullivan@ls3ip.com
MICHAEL P. BOYEA (*pro hac vice*)
boyea@ls3ip.com
COLE B. RICHTER (*pro hac vice*)
richter@ls3ip.com
LEE SULLIVAN SHEA & SMITH LLP
656 W Randolph St., Floor 5W
Chicago, IL 60661
Telephone: +1 312 754 0002
Facsimile: +1 312 754 0003

Attorneys for Sonos, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GOOGLE LLC,
Plaintiff and Counterdefendant,
v.
SONOS, INC.,
Defendant and Counterclaimant.

Case No. 3:20-cv-06754-WHA
Related to Case No. 3:21-cv-07559-WHA

**DECLARATION OF GEOFFREY MOSS
IN SUPPORT OF SONOS, INC.'S
MOTION FOR LEAVE TO AMEND
INFRINGEMENT CONTENTIONS
PURSUANT TO PATENT L.R. 3-6**

Date: January 26, 2023
Time: 8:00 a.m.
Place: Courtroom 12, 19th Floor
Judge: Hon. William Alsup

Complaint Filed: September 28, 2020

1 I, Geoffrey Moss, declare as follows and would so testify under oath if called upon to do
2 so:

3 1. I am an attorney with the law firm of Orrick, Herrington & Sutcliffe LLP, counsel
4 of record to Sonos, Inc. (“Sonos”) in the above-captioned matter. I am a member in good standing
5 of the Bar of the State of California. I make this declaration based on my personal knowledge,
6 unless otherwise noted. If called, I can and will testify competently to the matters set forth herein.

7 2. I make this declaration in support of Sonos’s Motion for Leave to Amend
8 Infringement Contentions Pursuant to Patent L.R. 3-6.

9 3. Attached as **Exhibit 1** is a true and correct copy of excerpts from Sonos, Inc.’s
10 Corrected Supplemental Disclosure of Asserted Claims and Infringement Contentions dated
11 February 21, 2022.

12 4. Attached as **Exhibit 2** is a true and correct copy of Google LLC’s Eighth
13 Supplemental Objections and Responses to Plaintiff Sonos, Inc.’s First Set of Fact Discovery
14 Interrogatories (No. 18) dated November 21, 2022.

15 5. Attached as **Exhibit 3** is a true and correct copy of excerpts from the Opening
16 Expert Report of Dr. Dan Schonfeld Regarding Claim 1 of U.S. Patent No. 10,848,885 dated June
17 22, 2022 and corrected on July 10, 2022.

18 6. Attached as **Exhibit 4** is a true and correct copy of excerpts from the Opening
19 Expert Report of Dr. Dan Schonfeld Regarding U.S. Patent No. 10,848,885 and U.S. Patent No.
20 10,469,966 dated November 30, 2022.

21 7. Attached as **Exhibit 5** is a true and correct copy of excerpts from the Opening
22 Expert Report of Dr. Kevin C. Almeroth dated November 30, 2022.

23 8. Attached as **Exhibit 6** is a true and correct copy of Sonos’s proposed amended
24 infringement contentions for U.S. Patent No. 10,469,966 (“the ’966 patent”) that shows all of the
25 proposed changes in redline. The full and complete proposed amended infringement contention
26 chart for the ’966 patent was served on Google’s counsel on December 16, 2022. *See* Exhibit 7
27 (email communications between counsel).
28

1 9. Attached as **Exhibit 7** is a true and correct copy of an email thread between
2 counsel for Sonos and counsel Google sent between December 5, 2022 and December 16, 2022.

3 10. Attached as **Exhibit 8** is a true and correct copy of Plaintiff's First Set of Fact
4 Discovery Interrogatories to Defendants dated August 7, 2021. These requests were served while
5 the -7559 case was still pending in the Western District of Texas.

6 11. Attached as **Exhibit 9** is a true and correct copy of Google LLC's First Objections
7 and Responses to Plaintiff Sonos, Inc.'s First Set of Fact Discovery Interrogatories dated
8 September 7, 2021. These responses were served while the -7559 case was still pending in the
9 Western District of Texas.

10 12. Attached as **Exhibit 10** is a true and correct copy of a letter dated September 23,
11 2021 from Cole Richter to Jordan Jaffe re Google's discovery deficiencies.

12 13. Attached as **Exhibit 11** is a true and correct copy of a letter dated September 26,
13 2022 from Cole Richter to Marc Kaplan re Google's NIAs.

14 14. Attached as **Exhibit 12** is a true and correct copy of excerpts from the deposition
15 transcript of Dr. Dan Schonfeld taken on August 31, 2022, and his errata sheet.

16 I declare under penalty of perjury that the foregoing is true and correct to the best of my
17 knowledge. Executed this 19th day of December, 2022 in Los Angeles, California.

18
19
20


21
22
23
24
25
26
27
28

GEOFFREY MOSS